

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

DRAFT TECHNICAL REPORT

ORDER NO. R9-2007-0206

**AN ORDER RESCINDING CEASE AND DESIST ORDER
NO. 98-39
FOR
THE SAN MARCOS LANDFILL**

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1. INTRODUCTION

This Technical Report provides the rationale and factual information supporting the findings and directives of Tentative Order R9-2007-0206 and rescission of Cease and Desist Order (CDO) 98-39.

2. BACKGROUND

The San Marcos Landfill is owned and was operated by the County of San Diego Department of Public Works (the County) from 1978 to 1997. The County has provided the Regional Board with information that approximately 12.5 million cubic yards of municipal solid waste was disposed of at the Landfill during its operational history. The Landfill has not received wastes since the year 1997.

In 1998, the existing intermediate cover on the landfill (~ 12 inches thick) was washed away during the rainy season, subsequently exposing waste material in violation of the facility's existing waste discharge requirements (Order No. 92-02). To address the problem, the Regional Board issued CDO No. 98-39 in accordance with the California Water Code Section 13301, directing the County to take appropriate corrective action.

Specifically, CDO 98-39 as amended required the County to provide a minimum of 24-inches of intermediate cover on the top deck of the landfill, and maintain the interim cover until the final cover of the landfill was constructed. The CDO, as amended, also established a time-schedule for the County to submit a closure and post-closure maintenance plan, in the form of a joint technical document (JTD), as well as a complete copy of all final documents prepared in compliance with CEQA.

3. COMPLIANCE WITH CEASE AND DESIST ORDER 98-39

CDO 98-39 required the County to perform a series of tasks to bring the Landfill into compliance with existing Order No. 92-02 including the following: implementation of erosion and drainage control measures, control of the landfill gas to prevent off-site migration, an increase in the interim cover thickness from 12 inches to 24 inches, and the submittal of quarterly progress reports.

According to the information provided by the County, the landfill gas extraction system was constructed in 1993 and updated in the fall of 2000. The construction of a 24-inch thick interim cover was completed in 2000, and best management practices (BMPs) for erosion and drainage controls were implemented during construction of the interim cover. Finally, the quarterly progress reports were submitted from December 1998 through

mid-2004, when construction of the final cover and closure activities began.

4. COMPLIANCE WITH ADDENDUM NO. 1 TO CDO 98-39

Addendum No. 1 to CDO 98-39 required the County to submit an amended Report of Waste Discharge (ROWD) for implementation of a Closure and Post-Closure Maintenance Plan in accordance with all applicable sections of the California Code of Regulations (CCR) Title 27. The amended ROWD was to be submitted to the Regional Board, in the form of a Joint Technical Document (JTD) by June 30, 2002. In anticipation of the landfill closure, the County of San Diego had submitted a closure plan on December 31, 1995. The closure plan contained a re-vegetation plan for the final cover that was the subject of litigation between the City of San Marcos and the County of San Diego. The City and the County agreed to the modifications to the re-vegetation plan in July 2001. The County of San Diego subsequently submitted a revised JTD for the final closure of the San Marcos Landfill that included the modifications to the re-vegetation plan on January 11, 2002. After two more submittals, the Regional Board deemed the JTD complete on July 26, 2002.

Addendum No. 1 required the County to submit a complete copy of all final documents prepared in compliance with the California Environmental Quality Act (CEQA) within five working days of the certification or issuance of a notice of determination by the lead agency. On July 17, 2002, the County of San Diego certified the Environmental Impact Report (EIR) in compliance with CEQA (Public Resources Code Section 21000 *et seq*), in accordance with CCR Title 14, Chapter 3, Article 19, Section 15300.

5. COMPLIANCE WITH LANDFILL CLOSURE

On December 10, 2003 the Regional Board adopted Order No. R9-2003-003, "*Waste Discharge Requirements for Closure and Post-Closure Maintenance of the County of San Diego San Marcos Landfill.*" Order R9-2003-003 contains both State and Federal municipal solid waste (MSW) landfill requirements, and approved the closure and post-closure maintenance plan, which includes an engineered alternative final cover and modifies the monitoring and reporting program to incorporate federal requirements.

Closure activities for the San Marcos Landfill included construction of an engineered alternative final cover, consisting of a two-foot foundation layer, overlain by a three-foot vegetative soil layer; installation of a moisture monitoring system; erosion and drainage control improvements; the removal and replacement of the landfill gas collection system; and the re-vegetation of the final cover.

On March 30, 2006 the County provided the Regional Board with a Final Closure Certification and Construction Quality Assurance Report for the San Marcos Landfill. The technical information provided in this report indicates that the San Marcos Landfill was closed in accordance with Waste Discharge Requirements Order No. R9-2003-003 and CCR Title 27, Section 21090(a).

6. COMPLIANCE WITH CEQA

When the County formally closed the San Marcos Landfill, the directives of CDO No. 98-39 were met, and environmental documents regarding the closure activities and CEQA requirements were submitted to the Regional Board and the County of San Diego. The County of San Diego certified the EIR indicating that the project (i.e., the closure of the landfill) would have no significant impact to the environment and water quality. The California Code of Regulations (CCR) Title 14, Chapter 3, Article 19, Section 15061(b)(3) provides that a project is exempt from CEQA when “it can be seen with certainty that there is no possibility that the activity in question may have a significant impact on the environment.” Because Order R9-2007-0206 involves the rescission of an enforcement order where all of the objectives have been met, and the landfill has been closed in compliance with the requirements imposed on the County, the project (rescission) is exempt from CEQA pursuant to CCR Title 14, Chapter 3, Article 19, Section 15061(b)(3).

7. PUBLIC NOTIFICATION

A public notice was published in the Regional Board agenda for the meeting held on November 14, 2007. Public notifications were also published by the San Diego Union Tribune and the North County Times on October 26, 2007. The draft agenda package was sent to the County via e-mail on October 29, 2007, and by U.S. Mail on November 5, 2007; and the draft agenda package was made available to the public via the Regional Board web page on November 7, 2007.

8. RECOMMENDATION

Adoption of tentative Order No. R9-2007-0206, an Order rescinding Cease and Desist Order (CDO) No. 98-39 for the San Marcos Landfill is recommended based on the fulfillment of the requirements of the CDO and closure of the Landfill.